

### **Remarks**

Reconsideration of the application in view of the above amendments and following remarks is requested. Claims 1-26 and 28-38 have been canceled. Claim 27 has been amended. Claims 41-43 are new. Claims 27 and 39-43 are now in the case. Applicants assert that the present amendment adds no new matter.

### **Rejection Under 35 U.S.C. §102**

The Office rejected claims 23, 27 and 37-40 under 35 U.S.C. §102(b) as allegedly being anticipated by Levinson (US Patent No. 5,721,351). This rejection is based on the finding that a 19 base pair fragment and a 7 base pair fragment of the polynucleotide sequence of SEQ ID NO: 1 are identical to the polynucleotide sequence of the Levinson patent.

Applicants have amended claim 27 to require that nucleotide sequence can be a portion of SEQ ID NO: 1, and the specified portion comprise at least 20 nucleotides as shown in SEQ ID NO: 1. Support for this can be found on page 86, lines 23-24.

The subject matter of claim 23 has been incorporated into claim 27. Thus, claim 23 has been canceled as have claims 37-38, which depended from it. Since, claims 39-40 are dependent from claim 27, this amendment of claim 27 obviates the rejection of claims 39-40.

### **Rejection Under 35 U.S.C. §112, Second Paragraph**

The Office rejected claims 23 and 27 under 35 U.S.C. §112, second as allegedly being indefinite for failing to particularly point out method steps for the claimed invention because the Office states that claims 23 and 27 are identical except for the preamble of "detecting" or "diagnosing". The Examiner suggested that the methods should be directed to detecting or diagnosing inflammatory bowel disease in a subject, comprising obtaining a biological sample from the subject, and screening for the polynucleotide of SEQ ID NO: 1, wherein an increase in the level of the polynucleotide of SEQ ID NO: 1 compared to control indicates inflammatory bowel disease.

Applicants have incorporated the Examiner's suggestion by incorporating the detecting method of claim 23 into the diagnosing claim of 27, and canceling claim 23. Furthermore, Applicants have incorporated the Examiner's suggestion by including the comparison to the control. In addition, Applicants have amended the claim to define that the specified fragment comprise at least 20 nucleotides as shown in SEQ ID NO: 1. Support for this can be found on page 86, lines 23-24.

#### New Claims

Applicants have added new dependent claims 41-43 to further claim methods of detecting or diagnosing inflammatory bowel disease, ulcerative colitis, and Crohn's disease wherein the fragment is selected from the nucleotide sequence of nucleotides 66 to 161 of SEQ ID NO:1; the complement of the nucleotide sequence of nucleotides 66 to 161 of SEQ ID NO:1; the nucleotide sequence of nucleotides 288 to 389 of SEQ ID NO:1; the complement of the nucleotide sequence of nucleotides 288 to 389 of SEQ ID NO:1; the nucleotide sequence of nucleotides 354 to 382 of SEQ ID NO:1; the nucleotide sequence of nucleotides 66 to 389 of SEQ ID NO:1; and the complement of the nucleotide sequence of nucleotides 66 to 389 of SEQ ID NO:1.

Support for these fragments can be found throughout the specification. See for example, page 86, lines 19-23, and page 24, line 36 to page 25, line 2.

On the basis of the above amendments and remarks, Applicants believe that each rejection has been addressed and overcome. Reconsideration of the application and its allowance are requested. If for any reason the Examiner feels that a telephone conference would expedite prosecution of the application, the Examiner is invited to telephone the undersigned at (206) 442-6752.

Respectfully Submitted,



Robyn Adams  
Registration No. 44,495